



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,537	12/04/2000	Kagumi Moriwaki	44084-483	4339

7590 04/19/2006
MCDERMOTT, WILL & EMERY
600 13th Street N.W.
Washington, DC 20005-3096

EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,537

Applicant(s)

MORIWAKI, KAGUMI

Examiner

Timothy J. Henn

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/4/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01 February 2006 have been fully considered but they are not persuasive. Applicant argues that the limitations of claim 1 are not met by the Parulski and Berstis references since the specific information corresponds to a selected frame rather than the captured image data. The examiner notes that as broadly as claimed, the data taught by Berstis "corresponds to" the selected frame. For example, Parulski discloses frames which correspond to individual faces or groups of people (c. 5, ll. 15-23). Likewise, Berstis discloses storing information such as the names of persons depicted in an image (c. 5, ll. 2-10). The stored data of Berstis describes the image as being of individual or groups of persons and therefore "corresponds to" the selected frame of Parulski and describes what the object is as claimed.

Applicant further argues that Parulski does not disclose changing correction parameters in accordance with what the object arranged in the object area data is. However, Parulski discloses processing an image according to selected modification processes. The examiner notes that if a modification process is not selected (i.e. a correction parameter of 0), no modification will take place, but if the process is selected (i.e. a modification parameter of 1), the process will take place. Therefore, Parulski can be said to change default modification parameters (i.e. no processing) by selectively applying correction processes (c. 5, l. 39 - c. 8, l. 67). Applicant further argues that Parulski does not disclose using a specific correction parameter "corresponding to" what

the object is. Parulski discloses that modification alteration settings can be fully predetermined by the camera (c. 7, ll. 19-37), in such a case the modifications would "correspond to" what the object is as determined by which frame is selected since the frames or Parulski "correspond to" certain objects (c. 5, ll. 15-23). Therefore, Applicant's arguments are not considered persuasive and the rejections based on Parulski and Berstis are maintained.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 6, 8, 9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (US 6,072,962) in view of Berstis (US 6,721,001).

[claim 1]

Regarding claim 1, Parulski discloses a digital imaging device for obtaining image data as digital data of a photographic image including an object (Figure 1), comprising: a memory for storing image data of a plurality of frames representing an ideal region of an object within an image, each frame corresponding to a type of object and including data representing an area corresponding to the ideal region (Figures 2-7; c. 4, l. 59 - c. 5, l. 38); a frame selector for selecting a frame from the plurality of frames as a selected frame (Figures 2-7; c. 4, ll. 30-63); a display device for displaying the selected frame superimposed on a monitor image obtained by an image sensing device (Figure 8-12; c. 9, l. 7 - c. 10, l. 10); an image capture device for capturing a image data

Art Unit: 2622

based on the monitor image (e.g. a shutter button); and a recording device for recording on a recording medium, different from said memory, specific information corresponding to the selected frame and the image data captured by the image capture device associated with each other, said specific information representing an area corresponding to the ideal region for the selected frame (c. 4, ll. 5-58). However, Parulski does not disclose recording specific information including the type of object corresponding to the selected frame which describes what the object is.

Berstis discloses a camera which is capable of adding annotations to an image which include the name of the place depicted, time the picture was taken, the names of persons depicted, etc. (c. 5, ll. 2-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include information including the name of the place depicted and names of persons depicted in the pictures of Parulski to easily identify the places and people depicted in the pictures taken.

[claim 2]

Regarding claim 2, Parulski in view of Berstis lacks selecting a frame by selecting a keyword from a plurality of keywords corresponding to each of the frames. Official Notice is taken that it is notoriously well known to select objects by keywords to allow for easy searching of the available objects using the corresponding keywords. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the frames by easy searching of the available objects using the corresponding keywords.

[claim 3]

Regarding claim 3, Parulski discloses including region coordinates data (i.e. data which identifies the region) for specifying the ideal region (c. 4, ll. 30-63) and Berstis discloses including an object name for specifying the type of object (c. 5, ll. 2-10).

[claim 4]

Regarding claim 4, Parulski discloses an image corrector for correcting the image data based on the information (c. 5, l. 39 - c. 6, l. 67; c. 11, l. 61 - c. 12, l. 14).

[claim 6]

Regarding claim 6, Parulski discloses a computer having a reading device for reading the specific information and the image data from the recording medium and a image corrector for correcting the image data based on the specific information (c. 5, l. 39 - c. 6, l. 67; c. 11, l. 61 - c. 12, l. 14).

[claim 8]

Regarding claim 8, Parulski discloses an image processing device for image processing of an image data including a photographic object, comprising: a reading device for reading the image data and an information associated with the image data including a kind of an object and an object area data in which the object is arranged within the image data (Figures 16a and 16b; c. 11, l. 38 - c. 12, l. 14); a photographic image corrector for correcting the image data base don the information (Figure 16b, Item 84); and a photographic image corrector for correcting the image data based on the information (Figure 16b, Item 82); wherein the photographic image corrector corrects the image data in the object area in which the photographic object is arranged by using a specific correction parameter corresponding to what the object that is

Art Unit: 2622

arranged in the object area is (c. 5, l. 39 - c. 8, l. 67). However, Parulski does not disclose storing information which describes what the object is.

Berstis discloses a camera which is capable of adding annotations to an image which include the name of the place depicted, time the picture was taken, the names of persons depicted, etc. (c. 5, ll. 2-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include information including the name of the place depicted and names of persons depicted in the pictures of Parulski to easily identify the places and people depicted in the pictures taken.

[claim 9]

Regarding claim 9, Parulski discloses reading the image data and the information associated with the image data from a removable recording medium (Figure 16b, Item 18).

[claims 12 and 13]

Claims 12 and 13 are method claims corresponding to apparatus claim 1. Therefore, claims 12 and 13 are analyzed and rejected as previously discussed with respect to claim 1.

[claim 14]

Claim 14 is a method claims corresponding to apparatus claim 8. Therefore, claim 14 is analyzed and rejected as previously discussed with respect to claim 8.

4. Claims 5, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (US 6,072,962) in view of Berstis (US 6,721,001) in further

view of Iijima et al. (US 6,621,524).

[claim 5]

Regarding claim 5, Parulski in view of Berstis discloses all limitations except for a template memory for storing a template which is a previously prepared image and a template combiner for combining the template from the template memory with the image data based on the information.

Iijima discloses combining a captured image with previously prepared image data (Figures 6A-6C) to compose an enhanced image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the option to combine the images produced by Parulski in view of Berstis with prepared image data as taught by Iijima in order to produce enhanced image files.

[claim 7]

Regarding claim 7, Parulski in view of Berstis discloses a computer for processing images based on readout specific information (Parulski, Figure 16b) but does not disclose a template memory for storing a template which is a previously prepared image and a template combiner for combining the template from the template memory with the image data.

Iijima discloses combining a captured image with previously prepared image data (Figures 6A-6C) to compose an enhanced image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the option to combine the images produced by Parulski in view of Berstis with prepared

image data as taught by Iijima in order to produce enhanced image files.

[claim 10]

Regarding claim 10, Parulski in view of Berstis lacks a template stored in template memory and a template combiner for combining the template with the image data based on the specific information to form a combined image.

Iijima discloses combining a captured image with previously prepared image data (Figures 6A-6C) to compose an enhanced image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the option to combine the images produced by Parulski in view of Berstis with prepared image data as taught by Iijima in order to produce enhanced image files. Since Parulski discloses performing image modifications only on areas of the image according to frame data, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the template of Iijima only with the data selected by the frame of Parulski to form the combined image. The examiner notes that such an operation would be done "based to the specific information" as claimed.

[claim 11]

Regarding claim 11, Parulski discloses reading the image data and the information associated with the image data from a removable recording medium (Figure 16b, Item 18).

[claim 15]

Claim 15 is a method claim corresponding to apparatus claims 1 and 10 combined. Therefore, claim 15 is analyzed and rejected as previously discussed with respect to claims 1 and 10 above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
4/15/2006


TUAN HO
PRIMARY EXAMINER